

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	CR-2-11-133
	:	JUDGE MARBLEY
v.	:	
	:	
KEVIN R. WEINER,	:	
	:	
Defendant.	:	

CONSENT ORDER OF FORFEITURE

On May 23, 2011, an Information was filed charging Defendant Kevin R. Weiner in Count One with using the Internet to attempt to persuade, induce, or entice an individual who has not attained the age of 18 years, to engage in unlawful sexual activity, in violation of 18 U.S.C. §2422(b). The Information also contained a forfeiture allegation (Forfeiture A) seeking the forfeiture of all matter containing said visual depictions or child pornography and child erotica, transported, mailed, shipped, and possessed in violation thereof; and all property used and intended to be used to commit and to promote the commission of the aforementioned violations, including but not limited to the following: One (1) Compaq laptop computer, no Serial Number; One (1) WD 80GB hard-drive, SN: WD-WXCZ07342530; and, One (1) Sprint LG cellular telephone, including their contents, pursuant to 18 U.S.C. §2253(a)(1) and (3) and 18 U.S.C. §2428(a)(1).

In the Plea Agreement entered May 23, 2011, Defendant Kevin R. Weiner agreed to enter a plea of guilty to Count One of the Information, in violation of 18 U.S.C. §2422(b).

Based upon the terms of the Plea Agreement between the United States of America and Defendant Kevin R. Weiner, and finding that there is a requisite nexus between the property listed below and the offense which Defendant Kevin R. Weiner has pled guilty, and that Defendant Kevin R. Weiner had a legal interest in said property, **IT IS HEREBY ORDERED:**

1. That Defendant Kevin R. Weiner shall forfeit the following property to the United States pursuant to 18 U.S.C. §2253(a)(1) and (3) and 18 U.S.C. §2428(a)(1):

- (A) All matter containing said visual depictions or child pornography and child erotica, transported, mailed, shipped, and possessed in violation of 18 U.S.C. §2422(b);and
- (B) All property used and intended to be used to commit and to promote the commission of the aforementioned violation, including but not limited to the following:
  - (1) One (1) Compaq laptop computer, no Serial Number, including its contents;
  - (2) One (1) WD 80GB hard-drive, SN: WD-WXCZ07342530, including its contents; and,
  - (3) One (1) Sprint LG cellular telephone, including its contents.

2. That the designated agent for Immigration and Customs Enforcement or the United States Marshals Service shall immediately

seize the subject property and hold same in his secure custody and control.

3. That the United States is authorized to conduct any discovery proper in identifying, locating or disposing of the subject property in accordance with Fed. R. Crim. P. 32.2(b)(3).

4. That the United States shall publish, in accordance with the provisions of 21 U.S.C. §853(n), notice of this Order and notice of its intent to dispose of the subject property in such manner as the Attorney General may direct.

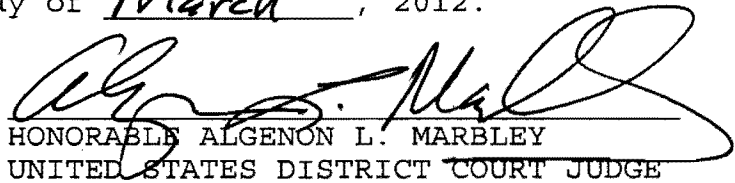
5. The United States shall also provide written notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding in accordance with Fed. R. Crim. P. 32.2(b)(6).

6. That pursuant to Fed. R. Crim. P. 32.2(b)(3), this Consent Order of Forfeiture shall become final as to Defendant Kevin R. Weiner at the time of sentencing and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

7. That following the Court's disposition of all petitions filed pursuant to 21 U.S.C. §853(n), or, if no such petitions are filed, following the expiration of the period for the filing of such petitions, the United States shall have clear title to the subject property.

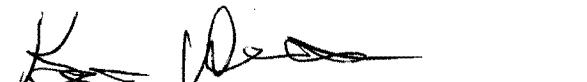
8. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

ORDERED this 26 day of March, 2012.


  
HONORABLE ALGENON L. MARBLEY  
UNITED STATES DISTRICT COURT JUDGE

The parties stipulate and agree that the aforementioned property constitutes matter containing visual depictions or child pornography and child erotica, transported, mailed, shipped, and possessed in violation of 18 U.S.C. §2422(b) or property used and intended to be used to commit and to promote the commission of the aforementioned violation, and as such is subject to forfeiture pursuant to 18 U.S.C. §2253(a)(1) and (3) and 18 U.S.C. §2248(a)(1). The defendant hereby waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment.

3-14-12  
Dated


  
KEVIN R. WEINER  
Defendant

3/14/12  
Dated

  
DENNIS P. EVANS  
Attorney for Defendant

CARTER M. STEWART  
United States Attorney

03/14/12  
Dated

  
MICHAEL J. HUNTER (0076815)  
Assistant United States Attorney  
Attorney for Plaintiff